

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NIGEL DEDIEECE CARTER, <i>et al.</i>,	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO. 23-CV-0364
	:	
CROZIER HOSPITAL,	:	
Defendant.	:	

ORDER

AND NOW, this 1st day of June, 2023, upon consideration of Nigel Dedieece Carter’s Motion to Proceed *In Forma Pauperis* (ECF No. 3) and Prisoner Trust Fund Account Statement (ECF No. 4); Lacieya Rosalee Stevens’s Motion to Proceed *In Forma Pauperis* (ECF No. 11); Motion for Leave to Amend Complaint (ECF No. 8); “Application for the Court to Request Counsel” (ECF No. 5); Motion to Appoint Counsel for Minor L.K.C. (ECF No. 10); and *pro se* Complaint (ECF No. 1); it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** to Carter and Stevens pursuant to 28 U.S.C. § 1915.

2. Nigel Dedieece Carter, #LC-6751, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Coal Township or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Carter’s inmate account; or (b) the average monthly balance in Carter’s inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in

Carter's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Carter's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Coal Township.

4. The Complaint is **DEEMED** filed.

5. The Clerk of Court is **DIRECTED** to mark as "participant view only" the Complaint (ECF No. 1); the "Application for the Court to Request Counsel" (ECF No. 5); the Motion for Leave to Amend Complaint (ECF No. 8); and the Motion to Appoint Counsel for Minor L.K.C. (ECF No. 10). Carter and Stevens are **DIRECTED** to refrain from including their minor child's name in future filings.

6. The Clerk of Court is **DIRECTED** to correct the docket to identify the minor Plaintiff (L.K.C.) by initials only.

7. The Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** for the reasons stated in the Court's Memorandum as follows:

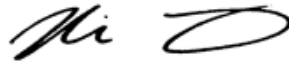
- a. All claims asserted on behalf of L.K.C. are **DISMISSED WITHOUT PREJUDICE**;
- b. Carter and Stevens's federal claims are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915 (e)(2)(B)(ii); and
- c. Carter and Steven's state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

8. The Motion for Leave to Amend Complaint (ECF No. 8) is **GRANTED**.

9. The “Application for the Court to Request Counsel” (ECF No. 5) and Motion to Appoint Counsel for Minor L.K.C. (ECF No. 10) are **DENIED**.

10. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Mi D', is positioned above a horizontal line.

MIA R. PEREZ, J.